

FILE COPY

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY
PROCEEDINGS AGAINST

LOWELL E. HOKIN, M.D.,
RESPONDENT.

FINAL DECISION AND ORDER
95 MED 005

The parties to this action for the purposes of Wis. Stats. sec. 227.53
are:

Lowell E. Hokin, M.D.
5 Nokomis Court
Madison, WI 53711

Medical Examining Board
P.O. Box 8935
Madison, WI 53708-8935

Department of Regulation and Licensing
Division of Enforcement
P.O. Box 8935
Madison, WI 53708-8935

The parties in this matter agree to the terms and conditions of the
attached Stipulation as the final decision of this matter, subject to the
approval of the Board. The Board has reviewed this Stipulation and considers
it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation
and makes the following:

FINDINGS OF FACT

1. Lowell E. Hokin (D.O.B. 9/20/24) is duly licensed in the state of
Wisconsin as a physician and surgeon (license # 020 0018695). This license
was first granted on February 8, 1974. Respondent's specialty is research
medicine, and he is a professor of pharmacology.

2. Respondent has stated that he does not engage in the clinical
practice of medicine.

3. Over a period of time extending from February, 1994, through May, 1995, Respondent obtained controlled substances other than in the course of legitimate practice for his own personal use, including:

DATE	QUANTITY	DRUG	SCHEDULE
2/23/94	100	Ambien	4
3/07/94	100	Ambien	4
7/19/94	200	oxazepam	4
8/22/94	300	Nembutal	2
8/22/94	500	diazepam	4
8/22/94	200	oxazepam	4
8/23/94	100	Ambien	4
12/27/94	300	flurazepam	4
2/02/95	300	methylphenidate HCL	2
3/30/95	100	Ambien	4
5/05/95	918	phenobarbital tabs	4

4. As of August 24, 1995, Respondent maintained a supply of controlled substances and prescription drugs in his home and office for his personal use, obtained by him other than in the course of legitimate practice, including: Xanax, oxazepam, methylphenidate HCL, Halcion, flurazepam, diazepam, chloral hydrate, Placidyl, amitriptyline hydrochloride, codeine, temazepam, Ambien, phenobarbital, Nembutal, oxycodone and acetomenophin.

5. Over a period of time extending from July, 1994, through May, 1995, Respondent obtained the controlled substances Pondimin and Phentermine other than in the course of legitimate practice for use by Respondent's sister and an acquaintance. Respondent did not maintain a contemporaneous patient record, dispensing record or inventory relating to the controlled substances. The controlled substances were dispensed without labeling.

6. During a period of time extending from February, 1994, to May, 1995, Respondent dispensed to an acquaintance at least 500 Fioricet tablets, without performing an adequate medical examination, without identifying a medical condition justifying the prescriptive practice and without developing an adequate plan of management of the underlying medical condition. Respondent did not maintain a contemporaneous patient record.

CONCLUSIONS OF LAW

7. The Wisconsin Medical Examining Board has jurisdiction to act in this matter pursuant to sec. 448.02(3), Wis. Stats. and is authorized to enter into the attached Stipulation pursuant to sec. 227.44(5), Wis. Stats.

8. By the conduct described above, Lowell E. Hokin is subject to disciplinary action against his license to practice as a physician and surgeon in the state of Wisconsin, pursuant to Wis. Stats. sec. 161.38(5), 448.02(3), and Wis. Adm. Code sec. MED 10.02(2)(p).

ORDER


NOW, THEREFORE, IT IS HEREBY ORDERED that :

1. Lowell E. Hokin is REPRIMANDED for his unprofessional conduct.
2. The license of Lowell E. Hokin to practice as a physician and surgeon in the state of Wisconsin is LIMITED as follows:
 - a. Dr. Hokin shall not engage in the clinical treatment of patients.
 - b. Dr. Hokin shall not prescribe, dispense, administer or order any medications of any kind. Dr. Hokin shall abstain from all personal use of controlled substances and prescription drugs, except when necessitated by an appropriately diagnosed medical condition and under the supervision of Dr. Hokin's personal physician.
 - c. Dr. Hokin shall forthwith surrender his DEA permit and execute and file a voluntary surrender of controlled substances privileges with the Drug Enforcement Administration. Dr. Hokin shall not reapply for DEA registration without the prior Order of the Board.
3. Within 60 days of the date of this Order Respondent shall pay to the Department of Regulation and Licensing as the partial cost of the investigation and prosecution of this action the sum of \$ 1,000.00.

The rights of a party aggrieved by this Decision to petition the Board for rehearing and to petition for judicial review are set forth on the attached "Notice of Appeal Information".

This Order shall become effective upon the date of its signing.

MEDICAL EXAMINING BOARD

By: 
A Member Of The Board

Feb. 22, 1996
Date

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF	:	
DISCIPLINARY PROCEEDINGS AGAINST	:	STIPULATION
LOWELL E. HOKIN, M.D.,	:	95 MED 005
RESPONDENT	:	

It is hereby stipulated between Lowell E. Hokin, M.D., personally on his own behalf and his attorney, Maureen A. Malony, and James W. Harris, Attorney for the Department of Regulation and Licensing, Division of Enforcement, as follows that:

1. This Stipulation is entered into as a result of a pending investigation of Respondent's licensure by the Division of Enforcement. Respondent consents to the resolution of this investigation by stipulation and without the issuance of a formal complaint.

2. Respondent understands that by the signing of this Stipulation he voluntarily and knowingly waives his rights, including: the right to a hearing on the allegations against him, at which time the state has the burden of proving those allegations by a preponderance of the evidence; the right to confront and cross-examine the witnesses against him; the right to call witnesses on his behalf and to compel their attendance by subpoena; the right to testify himself; the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision; the right to petition for rehearing; and all other applicable rights afforded to him under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, and the Wisconsin Administrative Code.

3. Respondent is aware of his right to seek legal representation and has obtained legal advice prior to signing this stipulation.

4. Respondent agrees to the adoption of the attached Final Decision and Order by the Medical Examining Board. The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent waives all rights to any appeal of the Board's order, if adopted in the form as attached.

5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall be returned to the Division of Enforcement for further proceedings. In the event that this Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.

6. The parties to this stipulation agree that the attorney for the Division of Enforcement may appear before the Medical Examining Board for the purposes of speaking in support of this agreement and answering questions that the members of the Board may have in connection with their deliberations on the stipulation.

7. The Division of Enforcement joins Respondent in recommending the Medical Examining Board adopt this Stipulation and issue the attached Final Decision and Order.

Lowell E. Hokin
Lowell E. Hokin, M.D.

2/5/96
Date

Maureen A. Molony
Maureen A. Molony, Attorney for Respondent

2/14/96
Date

James W. Harris
James W. Harris, Attorney
Division of Enforcement

February 16, 1996
Date

jh

NOTICE OF APPEAL INFORMATION

Notice Of Rights For Rehearing Or Judicial Review, The Times Allowed For Each, And The Identification Of The Party To Be Named As Respondent.

Serve Petition for Rehearing or Judicial Review on:

STATE OF WISCONSIN MEDICAL EXAMINING BOARD

1400 East Washington Avenue

P.O. Box 8935

Madison, WI 53708.

The Date of Mailing this Decision is:

February 23, 1996

1. REHEARING

Any person aggrieved by this order may file a written petition for rehearing within 20 days after service of this order, as provided in sec. 227.49 of the *Wisconsin Statutes*, a copy of which is reprinted on side two of this sheet. The 20 day period commences the day of personal service or mailing of this decision. (The date of mailing this decision is shown above.)

A petition for rehearing should name as respondent and be filed with the party identified in the box above.

A petition for rehearing is not a prerequisite for appeal or review.

2. JUDICIAL REVIEW.

Any person aggrieved by this decision may petition for judicial review as specified in sec. 227.53, *Wisconsin Statutes* a copy of which is reprinted on side two of this sheet. By law, a petition for review must be filed in circuit court and should name as the respondent the party listed in the box above. A copy of the petition for judicial review should be served upon the party listed in the box above.

A petition must be filed within 30 days after service of this decision if there is no petition for rehearing, or within 30 days after service of the order finally disposing of a petition for rehearing, or within 30 days after the final disposition by operation of law of any petition for rehearing.

The 30-day period for serving and filing a petition commences on the day after personal service or mailing of the decision by the agency, or the day after the final disposition by operation of the law of any petition for rehearing. (The date of mailing this decision is shown above.)